

REMARKS

Status of The Claims

Claims 4-6, 13, 27, and 36 are currently amended.

Claims 7-9, 11-12, 14-26, and 28-35 are canceled.

Claim 37 is new.

Claims 1-3 and 10 are allowed.

With the current amendments, claims 1-6, 10, 13, 27, 36, and 37 are currently pending.

Support for new claim 37 is in the specification at page 20, lines 15-16.

Response Regarding Rejection Of Claims 13, 27, And 33-36 (35 U.S.C. § 112, ¶ 1) - Enablement

The Examiner rejects claims 13, 27, and 33-36 under the first paragraph of 35 U.S.C. § 112 as lacking enablement because, allegedly, while being enabling for alfalfa plant J-101 representative seed deposited with ATCC with Accession No. PTA-4814 and progeny produced therefrom comprising event J-101, the specification does not reasonably provide enablement for any glyphosate tolerant alfalfa plant comprising SEQ ID NO:1 or SEQ ID NO:2. In response, Applicants amend claim 13 to refer to plants or parts thereof comprising event J-101. Applicants also amend claim 27 to refer to alfalfa plant or parts thereof capable of producing a J-101 diagnostic amplicon. Support for such an amendment is in the specification at page 5, lines 12-14, and at page 20, lines 15-16. Claims 33-35 are canceled.

Response Regarding Rejection Of Claims 4-6, 13, 27, And 33-36 (35 U.S.C. § 112, ¶ 1)

The Examiner rejects claims 4-6, 13, 27, and 33-36 under the first paragraph of 35 U.S.C. § 112 as failing to comply with the written description requirement. Allegedly, the claims contain "subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." In response, Applicants amend claims 4, 5, 13, and 36 to pertain to alfalfa plants or progeny that comprise event J-101. Claims 6 and 27 are amended to refer to alfalfa plant J-101 or parts thereof that are capable of producing a J-101 diagnostic amplicon. Claims 34 and 35 are canceled.

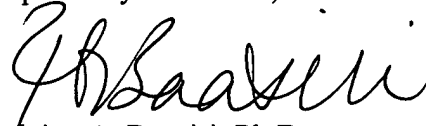
Applicants would like to thank the Examiner for his time and input during the telephone conference of April 8, 2009. The Examiner indicated that claims pertaining to event J-101 are allowable. Therefore, Applicants have amended rejected claims 4-6, 13, and 27 to pertain to event J-101 or to alfalfa plants comprising a J-101 diagnostic amplicon. Event J-101 plants comprise an insert that confers glyphosate tolerance and flanking sequences SEQ ID NO:1 and SEQ ID NO:2 that overlap the junctions between the alfalfa genomic DNA and the transgene insert. Applicants have also canceled claims 33, 34, and 35. In view of the current amendments, Applicants respectfully request the current rejections to claims 4-6, 13, 27, and 33-36 be withdrawn and that the application proceed to allowance.

Fees

This response is timely filed. No fees are believed to be due. However, should any fees under 37 C.F.R. §§ 1.16-1.21 be required for any reason relating to the enclosed materials, the

Commissioner is hereby authorized to deduct any additional fees from Howrey LLP Deposit
Account 08-3038/11899.0237.PCUS00.

Respectfully submitted,



Rudeina A. Baasiri, Ph.D.

Reg. No. 47,398

Agent for Assignee

MONSANTO TECHNOLOGY LLC

Customer No. 45,607
HOWREY LLP
1111 Louisiana Street, Suite 2500
Houston, Texas 77002
(713) 654-7648

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